



Order Filed on April 12, 2017
by Clerk, U.S. Bankruptcy
Court - District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:
Joseph T. Guarracino and Yvette L. Guarracino

Case No.: 14-30441 (SLM)
Chapter: 7
Hearing Date: March 22, 2016
Judge: Stacey L. Meisel

ORDER GRANTING RECONSIDERATION IN PART AND DENYING IT IN PART

The relief set forth on the following pages, numbered two (2) through 3 is
ORDERED.

DATED: April 12, 2017

A handwritten signature in cursive script, reading "Stacey L. Meisel".
Honorable Stacey L. Meisel
United States Bankruptcy Judge

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Debtor: Joseph T. Guarracino and Yvette L. Guarracino
Case No.: 14-30441 (SLM)
Caption of Order: Order Granting Reconsideration in Part and Denying it in Part

THIS MATTER having been brought before the Court by Alliance Shippers, Inc. (“**Alliance**”) on a *Motion for Reconsideration* (“**Motion**”) by and through its counsel, Ronald Horowitz, seeking an Order (i) vacating the Court’s February 16, 2016 *Order Authorizing Public Sale of Property of the Estate and Denying Cross-Motion by Alliance Shippers, Inc. to Vacate Order Compelling Turnover* (the “**Sale Order**”) (Docket No. 82), and (ii) prohibiting the Chapter 7 Trustee, Steven P. Kartzman (the “**Trustee**”), from auctioning the 2005 Mitsubishi 14-foot refrigerated truck (the “**2005 Truck**”) and the 1999 International 20-foot refrigerated box truck (the “**1999 Truck**”) that were the subject of the Sale Order, or, if the Trustee conducted the sale, ordering the Trustee to hold the auction proceeds in trust pending further Order of this Court; and the Trustee having filed Opposition by and through his counsel, Mellinger, Sanders & Kartzman, LLC; and the Court having reviewed the Motion, all opposition, and supplemental submissions on this matter and having heard the arguments of counsel; for the reasons set forth in the opinion of this Court dated April 12, 2017 on this issue (Docket No. 149), and for good cause shown,

WHEREAS the Court finds that the 1999 Truck was an asset of GFP Distributors, Inc. d/b/a Garden Fresh Produce (“**GFP**”);

WHEREAS the Court further finds that the 1999 Truck must be used to pay the liabilities of GFP first, and that after satisfaction of GFP’s corporate liabilities, any surplus will become an asset of co-debtor Joseph T. Guarracino’s (“**Mr. Guarracino**”) estate; and

WHEREAS the Court finds that the 2005 Truck was not an asset of GFP, but an asset of Mr. Guarracino’s estate; it is hereby

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ORDERED that Reconsideration is GRANTED in part, in that the 1999 Truck was GFP's corporate asset; it is further

ORDERED that any proceeds derived from the sale of the 1999 Truck must first be utilized to satisfy corporate creditors; it is further

ORDERED that any surplus from the proceeds of the 1999 Truck, after payment to corporate creditors, shall be paid to the Trustee; it is further

ORDERED that Reconsideration is DENIED in part, in that the 2005 Truck was an asset of Mr. Guarracino's estate; it is further

ORDERED that any proceeds derived from the sale of the 2005 Truck shall be utilized to satisfy creditors of Mr. Guarracino's estate; it is further

ORDERED that Alliance's request to vacate the Sale Order is DENIED as moot.